THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :20762 2007
DATED:04-10-2007

BETWEEN:

A.Venkateswara Rao & another.

..... PETITIONERS

AND

The District Collector,
Guntur District & 2 others.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents in interfering with the ownership and peaceful possession of the petitioners in their respective plots in Sy.No.774 i.e., 300 and 325 sq.yds of house site in Sy.No.774/6B and 774/6C respectively, Yerrabalem village, Nouluru Revenue village, Mangalagiri mandal, Guntur District without following due process of law, as illegal and arbitrary.

3. It is the case of the petitioners that they have purchased an extent of 300 sq.yds and 325 sq.yds respectively bearing plot Nos.17 and 9 in Sy.No.774/6B and 6C situated at Yerrabalem village, Nouluru Gram Panchayat, Mangalagiri mandal, Krishna District and the said land is not an assigned land and therefore, the provisions of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for brevity, 'the Act') have no application, but however, without issuing any notice and without following due procedure prescribed in law the respondent authorities are threatening to dispossess

the same and therefore petitioners made a representation, dated 28-09-2007, but without considering the said representation respondents are taking coercive steps.

4. I am not inclined to express any opinion with regard to right, title, and the alleged possession of the petitioners over the said land. I am also not inclined to express any opinion whether the said land is assigned land or not and whether the respondents have already dispossessed them or not, but however, I am of the opinion that if the petitioners are in possession of the said land even according to the provisions of the said Act and the Rules made thereunder, without giving any notice to the persons who are in possession and who have illegally purchased in contravention of the provisions of the said Act the said land cannot be dispossessed.

5. Having regard to the facts and circumstances of the case, respondents are directed not to dispossess the petitioners without following due procedure prescribed in law under the provisions of the Act, if the petitioners are in possession as on today.

6. Accordingly, Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

04th October, 2007.
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